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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,653	04/14/2004	Kwang-ki Choi	030681-649	4964
21839 7590 12/08/2008 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER RODRIGUEZ, ARMANDO	
			ART UNIT 2828	PAPER NUMBER
			NOTIFICATION DATE 12/08/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* KWANG CHOI and JOON KWAK

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Application No. 10/823,653  
Technology Center 2800

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Mailed: December 8, 2008

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed November 20, 2007 reveals that claim 9 in the Claims Appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on July 6, 2006. Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claim 9, lines 5-6, as provided in the Brief's Claims Appendix, reads: "rounded corners connected to the substrate, in a lower portion of the mesa structure and configured to prevent concentration of a scribing force...".

However, in the last entered Amendment dated July 6, 2006, claim 9, lines 5-6, and reads: "rounded corners connected to the substrate, in a lower portion of the mesa structure...".

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

**AMENDMENT AFTER FINAL**

A review of the file indicates that on July 27, 2007, Appellant filed an Amendment After Final in response to the Final Rejection mailed May 11, 2007. It is not clear whether this Amendment has been considered because box 7 of the Advisory Action mailed August 13, 2007 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on November 20, 2007 defective;
- 2) notify Appellant to file a paper properly addressing the Claims Appendix;
- 3) acknowledge and consider any paper filed by Appellant to correct the Appeal Brief;
- 4) appropriately respond to the Amendment After Final; and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 10/823,653

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